

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

JUANA CRUZ, OFELIA BENAVIDES,
JOSE ELIAS N.G, GABRIELA
VELAZQUEZ, RICARDO GONZALEZ,
MELESIO CRUZ, ANGELICA CHAVEZ,
CONCEPCION PEREZ, OLGA PEREZ,
MAURICO SAENZ, JORGE MAULEON,
HECTOR SANCHEZ, HECTOR
GONZALEZ, YESSY PEREZ
MARTINEZ, MARIA DE LOURDES
CRUZ, RESENDO LIEVANOS,
ELIZABETH LARA, LUIS ALBERTO
ZUNIGA CASTILLO, MIGUEL
CABALLERO SANCHEZ, GUILLERMO
DE LA CRUZ MENDOZA, CARLOS
DANIEL LOPEZ, GILDA RIVAS,
ARMANDO MORALES DE LLANO,
LAZARO GARCIA, MARIA DE JESUS
MEDINA, RICHARD ESQUIVEL,
PATRICIA CONDE-GONZALEZ,
NORMA CONDE ALANIZ, RAFAEL
SANCHEZ, GUILLERMO RUIZ, ROSA
QUINTANILLA,

CASE NO.: 7:23-CV-00343

JURY DEMANDED

Plaintiffs,

V.

DELGAR FOODS, LLC D/B/A/ DELIA'S

Defendant.

JOINT STATUS REPORT REGARDING NUMBER OF DEPOSITIONS NEEDED

Plaintiffs Juana Cruz, *et al.* (“Plaintiffs”) and Defendant Delgar Foods d/b/a Delia’s (“Delia’s” or “Defendant”) (collectively, the “Parties”) hereby submit this Joint Status Report pursuant to the Court’s March 8, 2024, Order [ECF 31] requesting that the parties advise the Court of the number of depositions needed.

Regarding the Number of Depositions Plaintiff Intends to Take, Plaintiffs State:

Plaintiffs anticipate taking the depositions of 11 defendants. The depositions of each defendant will be limited to a three hour examination from plaintiffs, and one hours examination from defendants. Thus, each deposition should last a maximum of four hours.

Regarding the Number of Depositions Defendant Intends to Take, Defendant States:

Defendant anticipates taking the deposition of at least 20 plaintiffs. The deposition of each plaintiff will be limited to a three (3) hour examination from Defendant, and one (1) hour examination from Plaintiff. Thus, each deposition should last a maximum of four (4) hours.

Defendant believes that it should have the opportunity to examine each plaintiff in the case, as this case is not a collective action. The declarations produced by plaintiffs were insufficient to provide necessary information to allow Defendant to properly defend against its case. The purported claims that Plaintiffs Norma Conde Alanis and Patricia Conde-Gonzalez brought against Defendant are time barred and Plaintiffs' counsel agreed that they will be dismissed. Further, Ricardo Gonzalo and Guillermo de la Cruz are named plaintiffs but are the same person as Richard Esquivel and Guillermo Ruiz. Plaintiffs' counsel has also agreed to dismiss the non-existent plaintiffs. Last, 7 plaintiffs were exempt employees who should also be dismissed from this case. Thus, Defendant anticipates taking the deposition of 20 plaintiffs.

Dated: May 3, 2024

Respectfully submitted,

PORTER HEDGES LLP

By: /s/ William R. Stukenberg

William R. Stukenberg, Attorney-in-Charge
State Bar No. 24051397
wstukenberg@porterhedges.com
Lorena D. Valle
lvalle@porterhedges.com
State Bar No. 24131729
PORTER HEDGES LLP
1000 Main Street, 36th Floor
Houston, Texas 77002-6341
(713) 226-6000 (phone)
(713) 228-1331 (fax)

and

Stephen J. Quezada, Of Counsel
State Bar No. 24076195

**OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.**
500 Dallas St., Ste 3000
Houston, Texas 77002
(713) 655-5757 (phone)
(713) 655-0020 (fax)

**Attorneys for Defendant DELGAR FOODS,
LLC. d/b/a DELIA'S**

A'Hern Law Group PLLC

By: Dr. Douglas A.'Hern (with permission)

Dr. Douglas A'Hern

State Bar No. 24069206

Federal Bar No. 1456411

P-16516 El Camino Real #349

Houston, TX 77062

S- 1111 W. Nolana Ave

McAllen, TX 78504

(281) 904-3797 (phone)

(281) 213-0628 (fax)

Douglas.a.ahern@gmail.com

Co-Counsel for Plaintiffs

Richard R. Alamia Attorney at Law

Richard Rene Alamia

State Bar No. 00964200

619 S. 12th Ave.

Edinburg, TX 78539

(956) 381-5766 (phone)

(956) 381-5774 (fax)

Richard.alamia@yahoo.com

Lead Counsel for Plaintiffs